

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL
CARE FACILITY ADMINISTRATORS

DOCKET NO. 24-1901-0301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 7, 2003.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-4205, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2003.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Incorporates by reference the ACHCA Code of Ethics; adds facility language to conform with Idaho Code; strikes temporary permit as law does not allow for extensions or emergency permits; adds violation of Code of Ethics as discipline.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Current law allows for adoption of code of ethics; rules bring terminology and language current with Idaho Code, and to be in compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees or charges imposed or increased as a result of these rules.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there were no controversial changes made.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Rayola Jacobsen, (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2003.

DATED this 19th day of August 2003.

Rayola Jacobsen
Owyhee Plaza
1109 Main Street, Suite 220
Boise, Idaho 83702
(208) 334-3233 / (208) 334-3945 (FAX)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1901-0301

004. INCORPORATION BY REFERENCE (Rule 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. The document titled "ACHCA Code of Ethics", published by the American College of Health Care Administrators (ACHCA) as referenced in Section 650, is herein incorporated by reference and is available from the Board's office and on the Board web site. (3-15-02)(7-17-03)T

(BREAK IN CONTINUITY OF SECTIONS)

401. CONTINUING EDUCATION (Rule 401).

01. Courses Approved. Courses of study in ~~health and~~ residential care facility administration sponsored or provided by accredited universities or colleges; ~~and health or residential care~~ seminars relevant to residential care facility administration sponsored or approved by national, state agencies, or associations will be acceptable to meet the continuing education requirement. Seminars or ~~Other~~ courses of study ~~or seminars in residential care facility administration~~ may be approved by the Board. (4-2-03)(7-17-03)T

02. Minimum Hours Required. Applicants for annual recertification/renewal shall be required to have a minimum of twelve (12) hours of continuing education courses within the preceding twelve (12) month period. First Aid and/or Cardio-Pulmonary Resuscitation courses shall not be considered for continuing education credit. (7-1-93)

03. Educational Hour - Defined. An hour of education will mean sixty (60) minutes. (7-1-93)

~~402. TEMPORARY PERMITS - LIMITATIONS (Rule 402).~~

~~**01. Requirements For Issuance.** A temporary permit may be issued for six (6) months upon application and payment of fees. Temporary permits may be renewed one (1) time without further qualification. A second renewal will be issued, only where an applicant has taken and passed one (1) part of the two part examination. No more than two (2) renewals will be issued for any reason.~~ (7-1-96)

~~**02. Emergency Permit.** An emergency permit will be issued only in the event that the facility experiences an unexpected vacancy.~~ (7-1-98)

403. -- 499. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

650. DISCIPLINE (Rule 650).

01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed residential care facility administrator for each violation of Section 54-4213(1), Idaho Code. (3-18-99)

02. Costs And Fees. The Board may order a licensed residential care facility administrator to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-4213(1), Idaho Code. (3-18-99)

03. Code of Ethics. The Board has adopted (ACHCA) Code of Ethics. Violations of the code of ethics shall be considered grounds for disciplinary action. (7-17-03)T